

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**QUYNN FOLKES**

*Plaintiff,*

**v.**

**UNIVERSITY OF HOUSTON**

*Defendant.*

§

§

§

§

§

§

§

**CAUSE NO. 4:20-CV-3165**

---

**THE UNIVERSITY OF HOUSTON’S ORIGINAL ANSWER AND  
AFFIRMATIVE DEFENSES**

---

TO THE HONORABLE DAVID HITTNER:

Defendant The University of Houston (“UH” or “Defendant”) hereby files its Original Answer and Affirmative Defenses.

**A. INTRODUCTION**

1. UH lacks sufficient information to admit or deny the allegation in this paragraph.
2. UH admits that Plaintiff brings the allegations in the first and second sentence of this paragraph, but vehemently denies Plaintiff’s allegations and claims in this lawsuit. UH denies the last sentence of this paragraph because Plaintiff asserts that she is seeking such relief in her Prayer on page 7 of her Complaint.

## **B. PARTIES**

3. UH lacks sufficient information to admit or deny this paragraph.
4. Deny.

## **C. JURISDICTION AND VENUE**

5. Deny.
6. Deny.
7. Deny.
8. Admit that Plaintiff was enrolled in the University of Houston's College of Pharmacy. Deny the remaining allegations in this paragraph.

## **D. STATEMENT OF FACTS**

9. Deny.
10. Admit Plaintiff sent an email to Dr. Pitman on or about September 13, 2017. Deny the remaining allegations in this paragraph.
11. Admit Plaintiff sent an email to Dr. Pitman on or about November 27, 2017 regarding a light load. Deny the remaining allegations in this paragraph.
12. Admit Plaintiff was pregnant during enrollment in the College of Pharmacy. Deny the remaining allegations in this paragraph.
13. Admit the first sentence of this paragraph. Defendant has insufficient information to admit or deny the second sentence, so denies it. Deny the remaining

allegations in this paragraph.

14. Defendant lacks sufficient information to admit or deny the first sentence of this paragraph. Admit that Dr. Pitman called Plaintiff. Deny the remaining allegations in this paragraph.

15. Admit Plaintiff sent emails to Dr. Pitman and Ms. Luthra regarding scheduling an appointment with a psychiatrist at the University of Houston. Deny the remaining allegations in this paragraph.

16. Admit Plaintiff submitted an appeal of her grade. Admit Plaintiff emailed Dr. Eikenburg concerning remediation. Deny the remaining allegations in this paragraph.

17. Admit the first sentence of this paragraph. Deny the remaining allegations in this paragraph.

18. Admit that on August 1, 2019, Plaintiff received a committee decision regarding her attempt to retroactively medically withdraw from a single course which she claims was affected by GAD, that Plaintiff's appeal included a letter from a psychiatrist, and that the committee denied Plaintiff's appeal, otherwise denied.

19. Admit Plaintiff registered with CSD and received academic accommodations to be applied in future courses but not retroactively. UH denies the allegations in the second sentence of this paragraph. UH admits the third sentence in this paragraph.

20. Deny.

### **E. CAUSES OF ACTION**

21. UH lacks sufficient information to admit or deny the allegations in this paragraph.

#### **1. VIOLATIONS OF SECTION 504 REHABILITATION ACT AND/OR TITLE II OF THE ADA**

##### **a. Discrimination based on Disability**

22. Deny.

##### **b. Failure to Provide Reasonable Accommodation**

23. Deny.

##### **c. Retaliation for Good Faith Request for Accommodation**

24. Deny.

#### **2. VIOLATIONS OF TITLE IX**

##### **a. Discrimination based on Sex**

25. Deny.

26. Deny.

##### **b. Retaliation for Good Faith Complaint of Discrimination**

27. Deny.

## **ATTORNEYS' FEES**

28. Deny.

## **PRAYER**

UH lacks sufficient information to admit or deny this paragraph because it is contradicted by paragraph 2 of her Complaint. UH denies Plaintiff's entitlement to any relief in this lawsuit, including but not limited to the relief set forth in sections (a) – (j) in this paragraph.

## **UH'S AFFIRMATIVE DEFENSES**

1. The Eleventh Amendment and sovereign immunity bar any and all of Plaintiff's claims against UH.

2. Defendants assert the affirmative defense of limitations to the extent that any of Plaintiff's claims are based upon acts or events which occurred outside of applicable statutes of limitation.

3. UH asserts that Plaintiff failed to mitigate her damages, if any.

4. Plaintiff's claim for exemplary or punitive damages, if any, violates the provisions of the Fourteenth Amendment of the United States Constitution.

5. Plaintiff's alleged losses and damages, if any, are the result of, and directly related to, Plaintiff's own conduct, actions or failure to act, and not of UH's conduct, actions or failure to act.

6. All actions taken by UH with respect to Plaintiff were justified, in good faith, without malice, and were taken for legitimate non-discriminatory, and non-retaliatory business and academic reasons and in the exercise of academic judgment.

7. At all relevant times, UH took prompt remedial measures to address any and all complaints made by Plaintiff and provided Plaintiff with reasonable accommodations when requested.

8. UH denies that Plaintiff has suffered any emotional, psychological, and/or physical damage whatsoever as a result of actions taken by UH; and any emotional, psychological or physical condition suffered by Plaintiff are attributable to causes wholly independent of UH's actions.

9. Plaintiff was aware that the UHCOP was changing its curriculum and assumed the risk of continuing her enrollment in UHCOP's PharmD program.

Respectfully submitted.

KEN PAXTON  
Attorney General of Texas

BRENT WEBSTER  
First Assistant Attorney General

GRANT DORFMAN  
Deputy First Assistant Attorney General

SHAWN COWLES  
Deputy Attorney General for Civil Litigation

THOMAS A. ALBRIGHT  
Chief - General Litigation Division

/s/ Rola Daaboul

**Rola Daaboul**

Texas Bar No. 24068473

Assistant Attorney General

General Litigation Division

P.O. Box 12548, Capitol Station

Austin, Texas 78711-2548

(512) 936-1322

FAX: (512) 320-0667

e-mail: [rola.daaboul@oag.texas.gov](mailto:rola.daaboul@oag.texas.gov)

*ATTORNEYS FOR DEFENDANT*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been served electronically through the electronic-filing manager on this the 23<sup>rd</sup> day of June 2021, to:

Nathan E. Inurria  
George K. Farah  
Farah Law Group, PLLC  
1211 Hyde Park Blvd.  
Houston, Texas 77006  
(713) 529-6606  
(713) 529-6605  
[gkf@glawoffices.com](mailto:gkf@glawoffices.com)  
[nei@glawoffices.com](mailto:nei@glawoffices.com)

/s/ Rola Daaboul

Rola Daaboul

Assistant Attorney General